

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KEY BANK NATIONAL ASSOCIATION,

NOTICE OF MOTION

Plaintiff,

Hearing Date: March 13, 2020

v.

Hearing Time: 10:00 a.m.

Location: Alexander Pirnie Federal

MONOLITH SOLAR ASSOCIATES, LLC, SAE
SUN AND EARTH ENERGY INCORPORATED,
SOLAR MANAGEMENT GROUP, LLC,
SCHENECTADY HETCHELTOWN ROAD

Building, 10 Broad Street, Utica,
New York 13501

(no oral argument unless otherwise directed)

SOLAR 1 LLC, SCHENECTADY
HETCHELTOWN ROAD SOLAR 2 LLC (FKA

Case No. 1:19-CV-1562-DNH-ATB

MANHEIM STATE ROUTE 167 SOLAR 1 LLC),
SCHENECTADY ICE RINK SOLAR 1 LLC,
CRARYVILLE TWO TOWN ROAD SOLAR 1
LLC, CRARYVILLE TWO TOWN ROAD SOLAR
2 LLC, MARION WARNER ROAD SOLAR 1 LLC,
CITY OF ALBANY SOLAR 1 LLC, ALBANY CSD
SOLAR 1 LLC, SCOTIA GLENVILLE CSD
SOLAR 1 LLC, MAYFIELD CSD SOLAR 1 LLC,
RENSSELAER COUNTY SOLAR 1 LLC,
RENSSELAER COUNTY SOLAR 2 LLC (FKA
MSAP 4 LLC), SEWARD PINE HILL ROAD
SOLAR 1 LLC, SEWARD PINE HILL ROAD
SOLAR 2 LLC (FKA MSAP 3 LLC),
SCHUYLERVILLE CSD SOLAR 1 LLC,
JOHNSONVILLE ROUTE 7 SOLAR 1 LLC,
CORDELL ROAD SOLAR 1 LLC, GRANVILLE
CSD SOLAR 1 LLC, SMITHVILLE TARBELL
ROAD SOLAR 1 LLC, SOLAR ENERGY
PROPERTIES LLC, LOAD ZONE A LLC, LOAD
ZONE B AND C LLC, LOAD ZONE D AND E LLC,
LOAD ZONE F LLC, LOAD ZONE G LLC,
ROUTE 7 SOLAR FARM 1 LLC, AMSTERDAM
RESERVOIR SOLAR 1 LLC, CITY OF ALBANY
SOLAR 2 LLC, CITY OF TROY SOLAR 1 LLC,
RUSSELL SAGE SOLAR 1 LLC, SALEM
COUNTY ROUTE 153 SOLAR 1 LLC, SAND
LAKE EASTERN UNION TURNPIKE SOLAR 1
LLC, SOLAR VISTA LLC, VISTA

MANAGEMENT GROUP LLC, NYSDOT SOLAR
1 LLC (FKA MSAP 5 LLC), CITY OF ALBANY
SOLAR 3 LLC (FKA MSAP 6 LLC) KEY SOLAR 1
LLC (FKA MSAP 7 LLC), COMMUNITY SOLAR 1
LLC (FKA MSAP 8 LLC), ALBANY CSD SOLAR 2
LLC (FKA MSAP 9 LLC), MSAP 10 LLC, MSAP 11
LLC, MSAP 12 LLC, MSAP 14 LLC, SOLAR
MANAGEMENT GROUP 2013 LLC, MARK
FOBARE, and STEVEN A. ERBY,

Defendants.

NOTICE OF MOTION FOR PARTIAL RELIEF FROM STAY

PLEASE TAKE NOTICE that the undersigned, attorneys for Dealer Services 2.0, LLC d/b/a Lotus, upon the attached Motion for Partial Relief From Stay, will move this Court for an Order pursuant to New York Civil Practice Law and Rules §§ 2201 and 6401 for partial relief from the stay imposed by the December 20, 2019 Receivership Order, to permit movant to proceed with a breach of contract action currently pending in the New York Supreme Court, Rensselaer County against Monolith Solar Associates, LLC, and to permit movant to name the receiver as a party in the aforementioned action, together with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that this Motion will be heard at the United States District Court for the Northern District of New York at the Alexander Pirnie Federal Building, 10 Broad Street, Utica, New York 13501 on the 13th day of March, 2020 at 10:00 in the forenoon of that day, or as soon thereafter as counsel can be heard. Pursuant to Northern District of New York General Order #25, no oral argument on the motion will be held before the Court on the return date unless the Court directs otherwise.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's text order dated January 27, 2020 (Dkt. No. 65), if you intend to oppose the motion, you must serve on the movant's counsel and file with the clerk of the court, written opposition to the motion not later than February 14, 2020.

Dated: February 3, 2020

GIRVIN & FERLAZZO, P.C.

By: 

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TO: **VIA CM/ECF**

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